In the Supreme Court of the United States

OCTOBER TERM, 1931

No. 37

STATE OF LOUISIANA AND LOUISIANA PUBLIC SERVICE COMMISSION, appellants

v.

THE UNITED STATES OF AMERICA, INTERSTATE COMMERCE COMMISSION, et al.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF LOUISIANA

MEMORANDUM OF ACTUAL AND POTENTIAL INTERSTATE SHIPMENTS TO POINTS IN WESTERN LOUISIANA SOUTH OF THE LINE OF THE VICKSBURG, SHREVEPORT & PACIFIC RAILWAY

During the period from June 1, 1926, to May 31, 1927, inclusive, the Big Rock Stone & Material Company made the following shipments of stone and sand from Little Rock, Ark., to destinations in western Louisiana south of the line of the Vicksburg, Shreveport & Pacific Railway from Shreve-

port, La., to Vicksburg, Miss. (Ex. A–69, R. 1018–1024):

Destination	Stone		Sand	
	Cars	Tons	Cars	Tons
Alexandria, La.	49	2,537.20	4	158.80
Antonia, La.	6	151.90		
Bashin, La.	2	106.40		
Camp Stafford, La.	2	99.00		
Clayton, La.	2	99.85		
De Quincy, La.	2	108.35		
Fairiday, La.	5	260.80		
Forest Hill, La.	1	50.15		
Georgetown, La.	1	51.20		
Gompton, La.	2	98.90		
Lake Charles, La.	8	401.95		
Pollock, La.	6	300.50		
Quinsby, La.	3	154.20		
Rochelle, La.	10	482.15		
Spiller Spur, La.	11	580.35		
Tioga, La.	2	107.75		
Tullos, La.	13	696.00		
Winnsboro, La.	1	50.10		
Wisner, La.	1	54.85		
Total	124	6,297.35	4	158.80

Total cars stone	124
Total cars sand	4
Total cars	128
Total tons stone	6,297.35
Total tons sand	158.80
Total tons	6,456.14

As a basis for comparison with these shipments, we show below the shipments by the same company during the same period from Little Rock, Ark., to destinations in western Louisiana on or north of the line of the Vicksburg, Shreveport & Pacific Railway from Shreveport, La., to Vicksburg, Miss. (Ex. A–69, R. 1018–1024):

Destination	Stone		Sand	
	Cars	Tons	Cars	Tons
Collinston, La.	1	[illegible]		
Cotton Valley, La.	2	[illegible]		
Delhi, La.	1	[illegible]		
Monroe, La.	23	[illegible]		
Oak Ridge, La.	2	[illegible]		
Philips, La.	1	[illegible]		
Shelbyville, La.	3	[illegible]		
Shreveport, La.	1	[illegible]		
Tallulah, La.	7	[illegible]		
Vaughn, La.			1	[illegible]
Wardville, La.	3	135.20		
Wham, La.	7	308.15		
Total	51	2,770.90	1	[illegible]

Total cars stone	51
Total cars sand	1
Total cars	[illegible]
Total tons stone	2,770.90
Total tons sand	[illegible]
Total tons	2,815.90

	Cars	Tons
Total shipments south of V., S. & P. Ry. line	135	[illegible]
Total shipments on or north of V., S. & P. Ry. line	[illegible]	[illegible]
Total	190	4,271.90

Of the total cars carrying stone and sand shipped to western Louisiana from Little Rock, Ark., by the Big Rock Stone & Material Company during a one-year period, 71% was to destinations south of the line of the Vicksburg, Shreveport & Pacific Railway from Shreveport, La., to Vicksburg, Miss. Of the total tonnage so shipped, 70% was to destinations south of this line.

During the year ended February, 1926, sand, gravel, crushed stone and chatts were shipped from points in Arkansas on the line of the Missouri Pacific Railroad Company to destinations in western Louisiana south of the line of the Vicksburg, Shreveport & Pacific Railway from Shreveport, La., to Vicksburg, Miss., as follows (Ex. A–95, R. 1037, 1039):

Shipping point	Destination	No. cars
Arkansas City, Ark.	Baskin, La.	15
Do.	Ferriday, La.	17
Do.	St. Joseph, La.	4
Do.	Vidalia, La.	11
Do.	Winnsboro, La.	2
Camp Pike, Ark.	Vidalia, La.	8
Caddo Gap, Ark.	do.	40
Delight, Ark.	Winnsboro, La.	57
El Dorado, Ark.	Clayton, La.	1
Do.	Gilbert, La.	6
Do.	Mangham, La.	3
Do.	Winnsboro, La.	4
Gurdon, Ark.	Vidalia, La.	1
Graysonia, Ark.	do.	90
Helena, Ark.	Calvit, La.	1
Little Rock, Ark.	Vidalia, La.	341
Womble, Ark.	do.	76
Total		572

Exhibit A–95 shows (R. 1039) that 845 cars of sand, gravel, crushed stone, and chatts were shipped from Missouri Pacific points in Arkansas to destinations in western Louisiana during the year ended February, 1926. The above compilation shows that 572 of these cars, or 68%, were shipped to destinations south of the line of the Vicksburg, Shreveport & Pacific Railway from Shreveport, La., to Vicksburg, Miss.

On the argument before this Court counsel for appellants called attention to the testimony (R. 636) that the 241-car movement from Little Rock to Vidalia shown in Exhibit A-95 was probably riprap. Counsel [redacted] stated that the Louisiana good-roads scale did not cover riprap. This statement is supported by the Missouri Pacific tariff (Ex. 22, R. 852–853) which was introduced (R. 393) to show the Louisiana intrastate and interstate rates. The commodity description of the Louisiana commercial scale in this tariff includes riprap but the commodity description of the good-roads scale (there designated "parish road building rate") covers only "road building material, consisting of sand, gravel, crushed stone, and shells." (R. 853.)

Any inference to be drawn from the omission of riprap from the good-roads scale would seem to be unfavorable to appellants. The fact that with the same intrastate and interstate rates riprap could be shipped to a point in western Louisiana about twice as far south of the Arkansas border as the line of the Vicksburg, Shreveport & Pacific Railway would seem to indicate that, but for the rate advantage given by the good-roads scale, interstate shipments of road building material could be made to points in western Louisiana south of that line.

During the year 1925, 714 cars of sand and gravel originating in Texas, and during the year 1926, 146 such cars were carried over the Southern Pacific

lines in Louisiana. (R. 693–694.) Since the average car loading of these commodities in the Southwest is 50 tons (R. 24), the interstate shipments from Texas to Louisiana during 1925 and 1926 carried only on the Southern Pacific lines in Louisiana were approximately 43,000 tons. The Southern Pacific lines in Louisiana are in the extreme southern portion of that State (Ex. A–5, Bk. of Exs.) and consequently all of these shipments must have been made to points in Louisiana south of the line of the Vicksburg, Shreveport & Pacific Railway.

Between October, 1924, and July, 1925, while the Kansas City Southern Railway maintained a special billing rate on gravel of 4½¢ a 100 pounds from Little River Siding, Ark., to points in Louisiana as far south at Leesville, the Victory Gravel Company shipped gravel from Little River Siding to the Louisiana Highway Commission for projects in De Soto and Sabine Parishes. (R. 379, Ex. 19, R. 849.) De Soto Parish is south of Shreveport and Sabine Parish is directly south of it. (Ex. A–1, Bk. of Exs.) This special billing rate was established by the Kansas City Southern at the request of the Louisiana Highway Commission and was canceled as the result of a discrimination proceeding brought by another Arkansas producer. (R. 362, 381.) After it was canceled, the rate differential resulting from the good-roads [illegible] prevented the Victory Gravel Company from [illegible]ding

on continuations of the same projects on which it had previously bid successfully. (R. 880, 849, 850.)

There are big gravel pits at Lewisville, Ark., which is about 65 miles from Shreveport. (R. 677.) The plant of complainant in No. 16002 is located at Little River Siding, Ark., 117 miles from Shreveport (R. 45), more than 50 miles further from Shreveport than the pits at Lewisville. It would seem a fair inference that if lower Louisiana intrastate rates to destinations in Louisiana as far south as Shreveport are prejudicial to complainant in No. 16002, lower Louisiana intrastate rates to destinations in Louisiana 50 miles south of Shreveport would be prejudicial to the producers of gravel at Lewisville, Ark. There are also large gravel plants at Sledge, Tex., which is close to Texarkana, Tex. (R. 677.) Exhibit A–5 (Bk. of Exs.) shows that Texarkana is on the line of the Kansas City Southern between Little River Siding and Shreveport and at least 25% nearer Shreveport than Little River Siding. The same exhibit shows several sand and gravel pits at Texarkana.

During the period from October 1, 1925, to October 1, 1926, gravel was shipped to the Louisiana Highway Commission at Shreveport from Rhinehart, a distance of 146.6 miles, from Stevens, a distance of 93.5 miles, and from Valderouge, a distance of 136 miles. (R. 859, 869, 872, 876.) This indicates that if interstate and intrastate freight

rates were the same for equal distances, plants located within 100 miles of Shreveport would have a competitive range considerably south of that city.

Exhibit A–145 (Bk. of Exs.) shows production of sand, gravel, crushed stone or related articles at Beaumont, Tex., close to the Louisiana border in the southern part of the State. This exhibit also shows that there is such production at Daingerfield and Hughes Springs, Tex., comparatively near the Louisiana border.

Respectfully submitted.

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